Applicant : Josef Dietl   Attorney's Docket No.: 24307-0010001 / 2002P10023 US
Serial No. : 10/698,059
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Page   : 5 of 7

REMARKS

Applicant has carefully reviewed the Application in light of the Final Office Action dated September 4, 2008 and the Advisory Action dated November 26, 2008. Claims 1, 8, and 15 are amended as set forth above and Claims 2, 4, 9, 11, 16, and 18 have been cancelled. Thus, Claims 1, 5-8, 12-15, and 19-20 are currently pending. Applicant submits that no new matter has been added with the amendments. Applicant respectfully requests reconsideration of the application in accordance with the following remarks.

Interview Summary

Applicant notes with appreciation the courtesy of the telephone interview with the Examiner on December 3, 2008. Examiner Wasel and Applicants' representative, Thomas H. Reger II, participated in the interview. In the interview, the most recent Office Action and Response to that Office Action were discussed, as well as potential claim amendments.

With regards to the § 112, ¶ 1 rejection, the Examiner requested that Applicant provide additional specification references supporting the claim term "client identifier string." References to the specification supporting the term "client identifier string" can be found, for example, at page 3, lines 3-9 and lines 17-24, as well as at page 4, lines 1-8.[1] While the

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[1]   The cited portions of the original specification recite the following:

        The server also includes multiple client templates 140 stored, for example, in a table. Each client template is associated with one of the stored renderers and identifies one or more clients, or types of clients. The following are examples of client templates represented in a string format.
             (1)   "Mozilla/5.0 (*) * Netscape6/*", (where * represents a wildcard character)
             (2)   "Mozilla/5.0 (Windows; U; Windows NT 5.0; en-US; rv:0.9.4.1) Gecko/20020508 Netscape6/6.2.3"

Present Application, page 3, lines 3-9 (emphasis added).

        In one implementation, the client identifier is a user agent identifier that is included within an HTTP (Hypertext Transfer Protocol) request received from a Web browser running on the client. The user agent identifier is a parameter that is included in the header of an HTTP requests and that identifies the type of browser (e.g., Internet Explorer, Netscape).
        The scoring mechanism 150 compares the received client identifier with one or more of the stored client templates and generates a score based on the comparison (step 220). The score reflects the similarity between the client identifier and the client template.

Id. at page 3, lines 17-24 (emphasis added).

foregoing are merely examples, additional references may exist within the specification, such as those identified in the Amendment in Reply to Action of September 4, 2008 mailed November 4, 2008. The cited references, in combination with the specification as a whole, "convey[ ] with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed." *See, e.g., Vas-Cath, Inc.*, 935 F.2d at 1563-64, 19 USPQ2d at 1117; M.P.E.P. § 2163. Accordingly, Applicant respectfully requests that the rejections under 35 U.S.C. § 112, ¶ 1 be withdrawn.

Moreover, in response to discussions with the Examiner during the interview, Applicant has amended the claims to further distinguish the claims from the cited reference (U.S. Patent No. 6,560,604 to Fascenda ("*Fascenda*")). During the interview, the Examiner indicated that he believed that such amendments made would help clarify the differences between the claims and the cited reference. Thus, Applicant respectfully requests withdrawal of the § 102(e) rejections, and allowance of Claims 1, 8, and 18, as well as their respective dependent claims.

In one implementation, the comparison [of the client identifier and stored client templates] involves comparing a received user agent string with a stored browser template string. The score is computed as the number of matching characters in the template (excluding wildcard characters) divided by the number of characters in the user agent string. For example, the comparison of the user agent string "Netscape 6.03" with a first client template "Netscape 6.03" would produce a score of 1 (or 100#), as all characters of the string match. The comparison of the same user agent string with a second client template "Netscape 6*" delivers a score of 10/13 (or 77%) as only 10 characters of the template fit match the 13 characters of the user agent string.

Id. at page 4, lines 1-8 (emphasis added).

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. It is believed that all of the pending claims have been addressed. Applicant notes that the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request another telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Applicant believes no fees to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to deposit account 06-1050. A Request for Continued Examination, as well as any fees associated with the filing, is being submitted concurrently with this Amendment in Reply to Final Office Action of September 4, 2008 and Advisory Action of November 26, 2008.

Respectfully submitted,

Date:December 4, 2008_____

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